வந்த தவறான செய்தியை வைத்துக்கொண்டு அவர்கள் மன வருத்தம் அடைந்திருக்கிறார்கள். இந்த அரசு தங்களுக்குச் சரியான பாதுகாப்பைத் தரவில்லை, தங்கள் பக்கத்தில் பரிவு காட்டவில்லை என்கிற அவர்களது மன உளைச்சல் தவறு என்பதை நான் குறிப்பிட விரும்புகிறேன். இந்த அரசுக்கு மாணவ சமுதாயத்திடம் எப்போதும் பரிவு இருக்கிறது. அவர்களுக்கு இடையூறு நோராது தடுக்க வேண்டுமென்று கண்ணும் கருத்துமாக இருக்கிறது என்பதை வலியுறுத்திச் சொல்கிறேன்.

மற்றபடி ஹவுஸ் சர்ஜன் வேலைநிறுத்தம்பற்றி அந்தத் துறை அமைச்சர் அவர்களும், அதிகாரிகளும் கவனம் செலுத்திக் கொண்டு வருவதாகத் தெரிவிக்கப்பட்டிருக்கிறது. பேச்சு வார்த்தைகள் நடந்து கொண்டிருக்கின்றன. சர்க்கார் இது விஷயத்தில் கவனம் செலுத்திக் கொண்டிருப்பதால் இந்த அவையை ஒத்தி வைக்கவேண்டிய அவசியம் இல்லை என்று தெரிவித்துக் கொள்கிறேன்.

மாண்புமிகு பேரவைத் தலைவர்: இது அரசின் அன்றாட நிர்வாகத்திற்கு உட்பட்டதாகையால் இதற்கு அனுமதி மறுக்கிறேன்.

MR. SPEAKER: Is Dr. Hande withdrawing notice of the adjournment motion regarding the dismantling of the railway line between Pamban and Dhanushkodi?

DR. H. V. HANDE: Yes, Sir, I am withdrawing the notice.

(viii) சென்னை மாநகரத்தில் நிலவிய ஆபத்தான சட்ட, ஒழுங்கு நிலவரம்

DR. H. V. HANDE: I have given notice of the following adjournment motion—

"That the business of this House be adjourned to discuss a matter of urgent public importance namely the law and order situation which has attained serious dimensions since two days". I request you to adjourn the business of this House to discuss this important thing so that we can arrive at some measures to be taken to avoid recurrence of such situations. I shall very briefly explain the situation in which this adjournment motion had to be tabled. Even though the Chief Minister has been giving assurances, the students are still very much worried. My misfortune is that the entire thing has happened practically in my constituency, the Park Town constituency. The Medical College students were victims of violence in their hostel which is in my constituency. Veterinary College where firing took place is also in my constituency. Chengalraya Naicker Technical Institute also is in my constituency. My only request is that we want to discuss the whole thing threadbare. Firing is not

an ordinary thing and in addition the facts that were supplied by the Chief Minister were incorrect. Last night I and my distinguished friend Dr. Santhosham had the misfortune of going to the General Hospital and seeing the patients. In the hospital we discovered that a student of the Chengalraya Naicker Technical Institute called Puvi Arasu residing at No. 1, Narayanappa Naicken Garden Street, 6th Lane, had two bullet shots. The Chief Minister did not tell us that firing took place. He has got a bullet shot in the tibia and the bullet has been removed. But there is another bullet which has not yet been removed. The Veterinary College students are very much upset and they are in a very, very horrible position.

MR. SPEAKER: I did not want to interrupt you when you were raising the matter. Please remember that you must not give your opinion about any matter which has been referred for judicial decision. Rule 67 says: A member while speaking must not give his opinion about or refer to any matter on which a judicial decision is pending.

DR. H. V. HANDE: Judicial enquiry is not a judicial decision. Action cannot be taken immediately on the basis of the finding in a judicial enquiry. A case will have to be filed and then only the matter will come under '*sub judice*' I have discussed this matter with eminent Advocates. I am prepared to challenge the Speaker on this issue.

MR. SPEAKER: Please don't challenge me. You keep your temper. You are not supposed to challenge the Speaker.

DR. H. V. HANDE: I am sorry. I did not mean that. I withdraw the challenge.

MR. SPEAKER: I would ask you again. It is a very delicate matter. You should not refer to any matter on which a judicial decision is pending. The matter has been referred for judicial decision. You are a doctor. You may not know the Law of Contempt, which operates not from the moment the case starts, but from the moment the possibility of a judicial enquiry arises. The Law of Contempt with which we are now concerned starts from the time when the possibility of the enquiry arises and the possibility has already arisen.

DR. H. V. HANDE: Sir, I have discussed this matter with eminent and distinguished lawyers who have concurred with my view on this matter. First of all, *sub judice* means ....

MR. SPEAKER: Let the hon. Member please read the rule Does it say *sub judice*? The hon. Member has taken the oath to abide by the Constitution and the rules made under the Constitution must be observed. He is talking about *sub judice*. In the rules it is stated that a Member while speaking must not give his opinion or refer to any matter on which a judicial decision is pending. I have already explained when a judicial

matter is supposed to be pending, and according to the Law of Contempt the hon. Member should not say anything which would prejudice the enquiry one way or the other. He should not say anything the moment the possibility of enquiry arises. The hon. Member is talking about *sub judice*. *Sub judice* is different.

DR. H. V. HANDE : I will explain it and I request the Chair to give me a patient hearing. A judicial decision is different from a judicial enquiry.

MR. SPEAKER : When the decision is pending . . . .

DR. H. V. HANDE : Sir, I request you to permit me to explain my point. Have I no right to explain it?

MR. SPEAKER : Let the hon. Member resume his seat. Let us discuss this matter calmly. Let the hon. Member please read the rules. I have not stated that the enquiry is pending. I have stated that the decision is pending. The expression 'decision is pending' means that until that decision is given, the hon. Member should not mention anything about it and the moment the decision is given it is open to him to say anything.

DR. H. V. HANDE : Sir, I will explain the meaning of the expression 'judicial decision'. When a matter goes before the court and the judges have to give a decision on it, then it becomes a judicial decision but a judicial enquiry is not like that. That is my only request.

MR. SPEAKER : I hold that I am on very, very firm ground that a judicial enquiry is the thing contemplated for the purpose of procedure not only in the House of Commons but also in this House. The judicial enquiry now contemplated comes under this.

DR. H. V. HANDE : Sir, according to the rules I have no right to question the ruling of the Hon. Speaker.

MR. SPEAKER : I will explain it. I have written 'பொறுமை'.

நான் எனக்கு முன்னாலே 'பொறுமை', 'பொறுமை' என்று எழுதி வைத்திருக்கிறேன். அதை நான் அடிக்கடி பார்த்துக் கொண்டிருக்கிறேன். ஆகையினால் எனக்கு ஒன்றும் கோபம் இல்லை. விதிகள் எல்லாவற்றையும் படித்துப் பார்த்தால் அதில் 'சப்-ஜூடிஸ்' வருகிற இடங்கள் தெரியும். விதி 31 (9)-ஐயும், விதி 68 (3) (viii) ஐயும் பாருங்கள். 'சப் ஜூடிஸ்' என்று வருகிறது. ஆகவே 'சப்-ஜூடிஸ்' என்ற சொல் விதி 67 (1)-ல் பயன்படுத்தப்பட வில்லையென்பதைக் கவனியுங்கள். இங்கே 'சுட்டான்', 'செத்தான்' என்று சொன்னால் நீதிபதிக்கு அது முன்கூட்டியே ஒருசார்பான கருத்தைத் தெரிவிக்கக்கூடியதாக இருக்கும். ஆகையால் அதைப்பற்றிச் சொல்லவேண்டாம், நீதிபதியின் தீர்ப்பு வந்தபிறகு பேசலாம்.

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* THIRU SOWDI S. SUNDARA BHARATHI : Sir, on a point of order. A judicial decision can be given only when a matter is *sub judice*. Only when the court is seized of the matter, the question of giving a decision comes in. So, if a matter is not *sub judice*, no decision can be given. Now the question is whether this matter is *sub judice* or not. . . .

மாண்புமிகு பேரவைத் தலைவர்: அடுத்தாற்போல் "சப் ஜுடிஸ்" வந்திருக்கிறது, அதையும் படித்துப் பாருங்கள்.

THIRU SOWDI S. SUNDARA BHARATHI : Whatever it is, unless the matter is *sub judice* no judicial decision can be given.

My second point is that the matter which has been referred to for judicial enquiry is with regard to what happened on the 26th instant only and the incidents which took place yesterday and today have not been referred for judicial enquiry. So, the other incidents which happened after the 26th instant can be discussed in this House, even assuming for the purpose of argument that the matter relating to the incidents which took place on the 26th instant is *sub judice* and my view is that it does not come under Law of Contempt.

MR. SPEAKER : Do not confuse between a case pending in a court and the enquiry which is contemplated here.

நீதி விசாரணை நடக்கும் என்று அறிவித்த பிறகு, தப்பாகவோ தவறாகவோ, தெரிந்தோ, தெரியாமலோ நியாயத்தைக் கெடுத்து விடக்கூடாது, நீதியை, நேர்மையை கெடுத்துவிடக்கூடாது என்ற முறையில்தான் அந்த விதியைப் பரவலாகச் செய்திருக்கிறார்கள். அதைப்பற்றியெல்லாம் என்னுடைய அறைக்கு வந்தால் விரிவாக எடுத்துச் சொல்லமுடியும். விரிவாக இங்கு நான் சொல்லவில்லை. பேசுங்கள், பேசும்பொழுது இதுமாதிரியில்லாமல் விசாரணையைப் பாதிக்காத கருத்தாகச் சொல்லுங்கள்.

THIRU K. VINAYAKAM : Sir, இப்பொழுது குறிப்பிட்ட மேட்டர் சப் ஜுடிஸா என்பதுதான். அப்படியில்லை. Apart from tthe question whether this is a matter which is *sub judice* or a matter for judicial enquiry, we read in the Press that one Thiru Somasundaram was appointed to go into the matter That is not a matter on which we should act. It must first be published in the *Fort. St. George Gazette* that so and so has been appointed to go into the matter and that has not taken place. I am sure, the Hon. Chief Minister who is ** enough to accept. . . .

மாண்புமிகு பேரவைத் தலைவர்: ** என்ற வார்த்தை சரியல்ல, அதை நடவடிக்கைக் குறிப்பிலிருந்து எடுத்துவிடவேண்டும்.

THIRU K. VINAYAKAM : Yes, Sir, I will alter it as 'kind enough'.

MR. SPEAKER : The word ** would be removed from the proceedings.

** பேரவைத் தலைவரின் ஆணைக்கிணங்க நீக்கப்பட்டது.

திரு. கே. விநாயகம் : அந்த வார்த்தையை வேண்டுமானால் எடுத்துவிடுங்கள்.

Sir, I know he is an honest man.

Now, my point of order is that it is ouly when a person has been given a job and the terms of reference and the necessary records have been sent to him and he has started the enquiry, the matter becomes *sub judice*. Till that period this matter is the public property of anybody and hon. Members have got every right to talk about it on the floor of the House. That is my contention. What is your ruling?

THE HON. THIRU C. N. ANNADURAI : I am not concerned with the strong words used by my hon. Friend Mr. Vinayakam. I know sometimes he gets excited a little and at other times he pretends to be excited but is not really excited.

As for his appeal to the Speaker, I leave it to the Speaker.

DR. H. V. HANDE : I shall continue. I do not want tc question the ruling of the Speaker.

THIRU K. VINAYAKAM : On a point of order, Sir. My point of order is on a different point not concerned with the ruling. Your ruling comes in only when a person has been appointed, the matter is referred to him and he is set on the job. My information is that nobody has been appointed and nobody has been asked to go into the question. Therefore there is no question of a judicial enquiry and '*sub judice*'.

THE HON. THIRU C. N. ANNADURAI : On this point I think the hon. Member can take my word. A Judge has been appointed. But the moment I made the announcement the process starts and appointing somebody is a matter of routine or detail. I do not know about the legality. There seems to be too much discussion about law. I know some rudiments of law, but not details about law. To my lay mind it appears that the moment an announcement is made that a judicial enquiry will be set up, the process starts and it does not matter whether the name of the person to be appointed is given or not. But even in that matter I may tell my hon. Friend that a Judge has been appointed.

DR. H. V. HANDE : I am glad about the categorical answer given by the Chief Minister. The terms of reference to the judicial enquiry should include the incidents that took place before the announcement. The setting up of the judicial enquiry was announced at 10-30 or 11 o' clock yesterday morning. Before that the students actually had no protection. That is the whole difficulty.

THE HON. THIRU C. N. ANNADURAI : The terms of reference to the judicial enquiry will include all these incidents also. It is not as if one or two incidents only are to be enquired into. I have said in my statement in Tamil ' nigazhchiththodar '— the chain of incidents that took place. It will be all inclusive and

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I may assure my hon. Friend that the incidents that he has made reference to will also be included in the enquiry. I am not going to leave out any one incident; everything will be enquired into.

DR. H. V. HANDE: The House Surgeons are about to go on a strike as a result of this. They are so much dissatisfied and the position is so grave. I will be very grateful if the Chief Minister comes with me to the Veterinary College Hostel and the Medical College Hostel. The boys have absolutely broken down. The whole thing has been smashed. It is better we give some sort of orders to the police authorities. I will quote one sentence from the editorial in 'The Hindu', dated 28th March 1968: 'If every time there are outbursts of violence and intimidation, the police are found to be ineffective or slow to safeguard the safety of person and property until long after the damage has been done, to whom is the citizen to turn for protection?' This is a very, very touchy point. About two hundred people collected The Commissioner of Police was standing there. Wash basins were broken and watches were taken away. Yesterday when the statement of the Chief Minister was made, I did not question but wanted to encourage the Chief Minister for whom I have got the greatest respect. When he should have known that they had not shot in the air, should we not be supplied with such information? We are entitled to know the honest truth. I request the Chief Minister to visit the hospital. The condition of one boy is very serious and the Medical College students are very much broken down. I request the Chief Minister to go there with me and also to the Veterinary College Hostel and the Chengalraya Naicker Technical Institute. Only if we adjourn the business of the House, we will be able to find out why exactly the Commissioner of Police did not take any Police though he knew full well. The photo in 'The Hindu' shows that one man is picking a stone and another man is having a stick in his hand and the Commissioner of Police is asking him not to do anything. This is the sin committed by the Commissioner of Police. The boys completely depend upon us. These boys have so much uneasy feeling that we should save them and boost their morale. A number of telephone calls including trunk calls from the parents of the boys are being received and I am completely broken down. I beg of the Chief Minister to come with me and see that the boys' morale is boosted. It is not to disturb the business of the Government that I have tabled this motion. The boys have used me as a tool to communicate this to the Chief Minister. They like him as a father and an elder brother and their affection is there. I request the Chief Minister to come to the hospital and see that the boys' morale is boosted. I want the adjournment of the business of this House.

THE HON. THIRU C. N. ANNADURAI: I am very much in agreement with the hon. Members of this House that the students are now thinking that this Government or individually myself have let them down. I am quite confident that this feeling will not last for many days. I have got the fullest sympathy

for them. As the hon. Member Dr. Hande said, they are affectionate towards me. During times of stress and strain, such feelings are bound to be vitiated by illogical thinking. I would submit to this House that I will do everything possible within my power to relieve the affliction to which the students have been put.

As for the remark that all the facts were not presented, I have already said that the information I got was incomplete, I am yet gathering all the information and when I get a full account, I will take the House into my confidence and present it.

My hon. Friend has said that I should go with him to the Hospital and see the students. Even yesterday night myself and Dr. Ramamurthi, who is attending on these students, were thinking of going there. But the hospital authorities and Mr. Ramamurthi himself said that the students were so infuriated that they did not even want to see me. They have put up some placards 'we do not want to see the Ministers' or such other things. I know that the affection that they have got towards me cannot be annihilated all of a sudden in this manner. I feel very, very sorry that this estrangement, however temporary it might be, has taken place and I will try to regain their affection and confidence not by mere words but by attending to their needs and going to their succour in every possible way. When they are very excited and when they think that they have been let down, I would request the hon. Member Dr. Hande to think over his proposal again and let him meet the students and ask them whether I can come and meet them. I want very much to meet them. As a matter of fact I am getting telephonic information every half an hour about their condition and I have instructed all the medical authorities to bestow their most delicate attention for the recovery of those students.

I am in full sympathy with the plight of the students and I can assure the students through this House that nothing would be wanting in me to go to their succour and to remove their affliction. Yet I must say that today they believe or they have been led to believe that I have let them down. I think truth will dawn on them very soon and they will realise that.

The hon. Member has stated that he has been shocked to hear about these incidents. I may say that I was also shocked and dazed and I cannot find out the chain of events that took place two days ago and I am still gathering information about it. But let me assure the hon. Member, this House and the students outside that I still continue to have my affection for them and I believe their affection towards me will not be damaged by these incidents. I will do what all that lies in my power to go to their succour and to remove their affliction and also to find out the damages done to them bodily, their property and their dignity. No stone will be left unturned until the truth is brought out and that is the purpose for which a judicial enquiry has been set up. Therefore, I would request the hon. Member not to press for the adjournment of the House because everything possible is being

done by the Government and by me individually. I will take every one of the hon. Members into confidence and if they want me to do a particular thing they may instruct me to do it and they can guide me in this matter and I am always at their disposal. So, I do not think that there is any necessity for the adjournment of this House.

MR. SPEAKER: After the statement made by the Hon. Chief Minister, I hold that it is not necessary to adjourn the business of the House to discuss this matter.

கடைசியாக திரு. மார்டின் அவர்கள் அவர்களுடைய ஒத்தி வைப்புத் தீர்மானத்தைக் கொண்டுவரும்போது, டாக்டர் ஹாண்டே அவர்களுக்கு 67-வது விதியின்கீழ் சொன்ன தீர்ப்பை அனுசரித்து, அந்த விதியைக் கடைப்பிடித்து, ஏதாவது விளக்கம் தெரிவிக்க வேண்டுமென்றால் விதிக்கு உட்பட்டு தெரிவிக்க வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

(ix) சென்னையில் மாணவர்கள்-அரசு பேருந்து தொழிலாளர்கள் மோதல்

திரு. டி. மார்டின் : ஸ்பீக்கர் சார், தங்கள் அனுமதியின் பேரில், தமிழகச் சட்டப்பேரவையின் 42-வது விதியின்படி கீழ்க்கண்ட அவசரமும் பொது முக்கியத்துவமும் வாய்ந்த விஷயத்தைப்பற்றி விவாதிக்க சபையின் நடவடிக்கைகளை ஒத்திவைக்கக் கோரி முன்னறிவிக்கை கொடுத்துள்ளேன் :

"சென்னையில் 25—3—1968-லும் 26—3—1968-லும் மாணவர்களுக்கும் தமிழக அரசின் பேருந்து தொழிலாளர்களுக்கும் நடந்த மோதல்".

தலைவரவர்களே, ஏற்கெனவே கொடுத்த தீர்ப்பைப்பற்றிக் கூறினீர்கள். அந்தத் தீர்ப்பை என் கவனத்தில் வைத்துத்தான் நானும் என்னுடைய இந்த மோஷனைக் குறித்துச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். மாணவர்களுக்கும், தொழிலாளர்களுக்கும் நடந்த போராட்டம் ஒரு பக்கம் இருக்கட்டும். அதில் குற்றவாளி யார், அல்லது யார் தவறிழைத்தவர்கள் என்பது பற்றி நீதி விசாரணை நடத்தட்டும். இந்த மாமன்றத்திலே நேற்று, தாங்கள் மாணவர்களுக்குப் பாதுகாப்புத் தரப்படவில்லை, மாணவர்களுடைய விடுதிகளிலிருந்து மாணவர்கள் எல்லோரும் வெளியே சென்றிருக்கிறார்கள். போலீஸ் பாதுகாப்பு போட்டும் பாதுகாப்பு கொடுக்கப்படாத நிலையில் சட்டக்கல்லூரி மாணவர்கள் விடுதியிலேயிருந்து வெளியே சென்றுவிட்டார்கள். திரும்பிச் செல்லுவதற்கு அச்சப்படுகிறார்கள். வெளியூரிலிருந்து வந்த மாணவர்கள் நிலை என்ன, அவர்கள் எங்கே, எவ்வாறு இடம் பெறுவார்கள் என்று கேட்டோம். அதே நிலைதான் இன்றும் நீடித்துக் கொண்டிருக்கிறது. இந்த மாணவர்கள் விடுதியிலேயிருந்து வெளியே சென்ற மாணவர்கள் எத்தனை பேர்கள், அவர்கள் நிலைமை என்ன என்பதுபற்றி எந்தவிதமான விவரமும் தரப்படவில்லை. குறிப்